UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED
OCT 15 2007
CLERK

FERRIS JOSEPH, Plaintiff, -vs- CORPORATION OF THE PRESIDENT CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole; and CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF LATTER-DAY SAINTS, a Utah corporation sole, Defendants.	*	CIV. 06-4143 SECOND AMENDED RULE 16 SCHEDULING ORDER

Counsel for the parties having jointly agreed several dates in the current scheduling order should be extended, it is hereby

ORDERED that:

1. Defendant's Motion to Amend Rule 16 Scheduling Order (Doc. 44) is GRANTED.

2. The parties had until November 17, 2006, to move to join additional parties and amend the pleadings.

3. All discovery, including expert discovery, shall be commenced in time to be completed by November 20, 2007, and a maximum of twenty-five (25) interrogatories, including subparts, by each party to any other party shall be allowed, and responses thereto shall be due thirty (30) days after service. Discovery responses must be supplemented as additional information becomes available, however, not later than sixty (60) days prior to trial.

4. Each party shall be permitted to take one deposition of each fact witness, excluding expert witness depositions.

5. Plaintiff was to supplement Dr. Manlove's expert report on or before June 8, 2007; Defendants were to disclose the identity of their witnesses and their expert reports by June 22, 2007; any supplementation thereto under Rule 26(e) shall be due thirty (30) days prior to trial.

6. Each party shall be permitted to take one deposition of each designated expert witness.

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7. All motions, other than motions in limine, together with supporting briefs, shall be filed and served on or before November 30, 2007; opposing parties shall file and serve answering materials and briefs on or before December 14, 2007; and reply briefs shall be filed and served on or before December 21, 2007.

8. All motions not previously disposed of will be heard and a pretrial conference will be held on Monday, January 28, 2008, at 10:00 a.m.

9. A twelve person jury shall be seated. The parties should also be prepared to inform the court of their preference for either (a) drawing names of the jurors in the order each will be seated in the jury box the day before trial[1]; or (b) using the traditional method of selecting the jury immediately prior to voir dire. (Option (a) will be used only if both parties agree).

10. Final witness and exhibit lists under Rule 26(a)(3) shall be filed and served by Plaintiff and by Defendant ten (10) working days before trial, and the parties shall have five (5) days after service of such lists to file and serve objections thereto under Rule 26(a)(3).

11. All motions in limine, with supporting authority, shall be in writing and filed, together with proposed instructions, with supporting authority, with the court ten (10) working days before trial.

12. A jury trial will commence in Sioux Falls, South Dakota, on Monday, February 25, 2008, with counsel to be present for motions in limine at 9:00 a.m. and with the jury to report at 9:30 a.m.

13. If the parties desire the court's assistance in facilitating settlement discussions, the parties shall promptly contact the court so that a mediation or settlement conference with another magistrate judge may be scheduled.

14. The schedule herein may be modified by the Court upon a showing of good cause.

Dated this 15th day of October, 2007.

BY THE COURT:

John E. Simko
John E. Simko
United States Magistrate Judge

ATTEST:
JOSEPH HAAS, Clerk

By Shelly Margulies, Deputy

[1] Counsel for the parties may be present at the time the names are drawn, but attendance is not mandatory. This option is given for the benefit of counsel in preparation for jury selection. The jury list as drawn will be faxed to counsel as soon as possible after the drawing on the day before trial.